

United States District Court
for the
Western District of New York

United States of America

v.

Case No. 20-MJ- 751

GARY M. STOPANI

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about and before October 8, 2020, in the County of Monroe, in the Western District of New York, the defendant violated 18 U.S.C. §§ 2252A(a)(5)(B) & (b)(2), offenses described as follows:

the defendant did knowingly possess child pornography, in violation of Title 18, United States Code, Section 2252A (a)(5)(B) and (b)(2).

This criminal complaint is based on these facts:

X Continued on the attached sheet.

Please see attached affidavit


Carlton Turner
Complainant's Signature

Carlton Turner, TFO FBI
Printed name and title

Affidavit submitted by email/pdf and attested to me as true and accurate by telephone consistent with Fed.R.Crim. P. 4.1 and 4(d) before me this 15th day of October, 2020.

Date: October 15, 2020


Mark W. Pedersen
Judge's signature

City and State: Rochester, New York

Hon. Mark W. Pedersen, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) ss:
CITY OF ROCHESTER)

CARLTON TURNER, having been first duly sworn, deposes and states as follows:

1. I am a sworn Task Force Officer ("TFO") with the Federal Bureau of Investigation ("FBI") and an Investigator for the Rochester Police Department ("RPD"). I have been a member of the RPD since May of 1998, and assigned to the FBI Child Exploitation Task Force since October 2015. I am trained to investigate and have participated in investigations involving a wide range of local, state, and federal criminal violations. In my position with the FBI Child Exploitation Task Force, I am responsible for investigating crimes against children, including the production and possession of child pornography in violation of Title 18, United States Code, Section 2252A. As a duly sworn FBI TFO, I am empowered to conduct investigations of and make arrests for offenses against the United States.

2. This affidavit is submitted for the limited purpose of establishing probable cause to believe that GARY M. STOPANI ("STOPANI"), did knowingly possess child pornography that had been transported in interstate or foreign commerce by computer, in violation of Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2).

3. The information contained in this affidavit is based upon my personal knowledge and observations, my training and experience, conversations with other law enforcement officers and witnesses, and my review of documents, reports and records gathered through the investigation of this case.

4. Because this affidavit is being submitted for the limited purpose of securing a Criminal Complaint, I have not included every fact known to me concerning this investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause to believe that STOPANI did knowingly violate Title 18, United States Code, Section 2252A(a)(5)(B).

BACKGROUND OF INVESTIGATION

5. On October 8, 2020 Investigator Joshua Bowman of the Gates Police Department commenced with a Burglary/Unlawful Surveillance investigation at 55 Jordan Avenue, Rochester, New York. The suspect in the investigation who was formally arrested and charged with the above is STOPANI.

6. On October 8, 2020 Investigator Bowman conducted an interview with STOPANI. In sum and substance STOPANI admitted to entering 55 Jordan Avenue, Rochester, New York illegally and while inside did set up covert cameras in an effort to record sexual relations of a couple known to him.

7. On October 14, 2020 Investigator Bowman did draft a search warrant for the following devices belonging to STOPANI: Acer Laptop computer, bearing serial number NXHG8AA001927066B03400, model number N19C3; WD External Hard Drive bearing serial number WCAU4A053251; WD "My Passport" 5TB external Hard Drive bearing serial number WX81EB9CC9AR, Samsung Galaxy Cellular Phone Bearing serial number RF8N117CF5L, IMEI number 358485092083675 and a Samsung Galaxy Note 8 Cellular

Phone. The search warrant was granted and signed by Monroe County Supreme Court Judge Victoria Argento.

8. On October 14, 2020 Investigator Bowman reviewed the extraction completed on the Samsung Galaxy Note 8 Cellular Phone. Investigator Bowman did observe suspected child pornography. Investigator Bowman contacted your affiant to assist with the investigation.

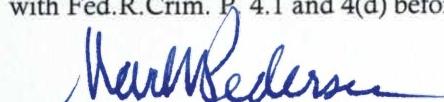
9. On October 15, 2020, your affiant, a Task Force Officer with the Federal Bureau of Investigations, reviewed the extraction data from the Samsung Galaxy Note 8 Cellular Phone belonging to STOPANI. Your affiant observed several images of child pornography, including images that are known to your affiant from past investigations. The images are known as the "Vicky Series". The images are of a prepubescent girl being raped by an adult male. In several of the images the prepubescent girl is seen performing fellatio on the adult male until he ejaculates on her face.

10. Based upon your affiant's training and experience in the investigation of child pornography cases, the images observed constitute child pornography, as defined by Title 18, United States Code, Section 2256(8).

WHEREFORE, based on the foregoing, I respectfully submit that there is probable cause to believe that Gary M. STOPANI, did knowingly possess child pornography, in violation of Title 18, United States Code, Section 2252A (a)(5)(B) and (b)(2).


CARLTON TURNER
Task Force Officer
Federal Bureau of Investigation

Affidavit submitted by email/pdf and attested to me as true and accurate by telephone consistent with Fed.R.Crim. R. 4.1 and 4(d) before me this 15th day of October, 2020.


HON. MARK W. PEDERSEN
UNITED STATES MAGISTRATE JUDGE